


December 18, 2007

CLERK OF THE BOARD
DATE AND TIME RECORDER STAMP

OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA

VETO AND VETO MESSAGE

To: Honorable Chairperson and Members
Board of County Commissioners
Miami-Dade County, Florida

From: 
Carlos Alvarez, Mayor
Miami-Dade County, Florida

CLERK OF THE BOARD
2007 DEC -5 AM 8:22
CLERK: CIRCELO G. COUNTY COURTS
#1
DADE COUNTY, FLA.

Pursuant to the authority vested in me under the provisions of Section 1.10.A of the Miami-Dade County Home Rule Charter, I hereby veto Resolution number R-1266-07 adopted at the November 27, 2007, Board of County Commissioners Meeting:

RESOLUTION PERTAINING TO APRIL 2007 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW APPLICATIONS; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS (Department of Planning & Zoning)

Veto Message

On Tuesday, November 27, 2007, the Board of County Commissioners (Board) approved Resolution number R-1266-07 and in doing so transmitted to the Florida Department of Community Affairs (DCA) for review 12 applications that would amend Miami-Dade County's Comprehensive Development Master Plan (CDMP), three of which would expand the Urban Development Boundary (UDB). The UDB distinguishes the area where urban development is permissible through the year 2015 from areas where it is prohibited. This is different from the Urban Expansion Area (UAE), the line that indicates where current projections foresee a possibility of warranted expansion of the UDB some time between the years 2015 and 2025.

As this resolution is currently structured, there is no distinction in the transmittal to the State between those that expand the UDB and the standard CDMP amendments. It is unfortunate that the Board did not bifurcate the applications as the County Attorney gave them the option to do; therefore, I am vetoing the entire package not to disparage the merits of each one individually, but express my concern with those that could jeopardize the livelihood and sustainability of our county for future generations.

The decision to move the UDB is one with far reaching implications whose effects are not confined to the residents of the districts in which the boundary changes are proposed. Though these applications called for expansion of the UDB within only two County Commission districts, it would be erroneous to treat them as though they would not affect County residents from Miami Gardens to Florida City. If Miami-Dade moves outside the UDB, it will affect our delivery of services and strain already taxed resources. We are all aware of our traffic woes, and expansion would only add to the problem by increasing commuters along overused roadways. Police and Fire Rescue services would be spread over a greater area, resulting in longer response times due to greater distances and road congestion.

The transmittal of 12 applications as a whole to the State DCA, despite objections from professional staff and other entities on certain applications, initiates a move in a dangerous direction without compelling arguments to warrant the move. I am particularly concerned with the Board's decision to transmit two UDB applications to DCA with a favorable recommendation and one without a recommendation. Without exception, staff provided the Board with a recommendation to accept or deny each of the seventeen applications in this cycle. Nonetheless, one of the four items affecting the UDB was transmitted to DCA without any position from the Board. On application four, the Board demonstrated its ability to act without State guidance when it declined to seek its input and flat out denied the application. Since this course of action fit in this instance, the Board's hesitancy to take decisive action on the other applications is inconsistent.

Closing

Given the overwhelming impact and implications of moving the UDB line, it would be irresponsible for us, as public servants, to take action without first establishing a comprehensive strategy for the inevitable future expansion of the county. This strategy should carefully consider sprawl and maximize options to promote development within the UDB consistent with the CDMP, taking into account the burden that is inherent to progress.

I strongly urge the Board to sustain this veto and work, utilizing all available resources, to create and adopt a comprehensive and coherent vision for the future development of Miami-Dade County. The task before us is more than the evaluation of individual applications; to continue to act with a provincial approach misses the bigger picture and forgoes the opportunity to plan for a greater and sustainable future. We must accept our responsibility as leaders of this community and make the tough decisions that we have been entrusted with by the residents of Miami-Dade County.

Approved _____ Mayor
Veto 12-5-07 DL
Override _____

Special Item No. 2
11-27-07

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-1266-07

RESOLUTION PERTAINING TO APRIL 2007 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW APPLICATIONS; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, thirteen (13) CDMP amendment applications were filed on or before April 30, 2007 and are contained in the document titled "April 2007 Applications to Amend the Comprehensive Development Master Plan", dated June 5, 2007; and

WHEREAS, four (4) additional CDMP amendment applications were filed in the "Initial Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan Volumes 1 and 2," dated August 25, 2007, bringing the total number of applications filed in the April 2007 Cycle applications to amend the CDMP to 17; and

WHEREAS, of the 17 amendment applications, eleven (11) Land Use Plan (LUP) map amendments (Application Nos. 1 through 11) were privately filed, five (5) text amendments (Application Nos. 12, 13, 15, 16 and 17) were filed by the Department of Planning and Zoning and one (1) text/map amendment (Application No. 14) was filed by the Aviation Department; and

WHEREAS, of the seventeen applications comprising eleven (11) Land Use Plan map amendments and six (6) text amendments filed for processing during the April 2007 CDMP amendment cycle, five (5) eligible applications (Application Nos. 1, 2, 7, 10, and 11) requested expedited processing as small-scale LUP map amendments as defined in Section 163.3187(1)(c) F.S.; and

WHEREAS, Application No. 7 was lawfully withdrawn by the applicant by letter dated October, 10, 2007; and

WHEREAS, eligible Applications requesting processing as small-scale LUP map amendments may be subject to final action by Ordinance at the November 27, 2007 hearing or, alternatively, may be transmitted as standard amendments to the Florida Department of Community Affairs (DCA) for review and issuance of Objections, Recommendations and Comments (ORC) report prior to subsequent final action by the Board; and

WHEREAS, the Department of Planning and Zoning (DP&Z) issued its initial recommendations addressing Application Nos. 1 through 17 in a report titled "Initial Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan, Volumes 1 and 2," dated August 25, 2007, as required by Section 2-116.1, Code of Miami-Dade County, and may issue revised recommendations on transmitted applications prior to final action by the Board; and

WHEREAS, affected Community Councils have acted in accordance with Miami-Dade County procedures, conducted duly noticed public hearings during the month of September 2007 to receive public comments on specific applications and on the recommendations of the DP& Z, and issued recommendations regarding the proposed amendments directly affecting their areas; and

WHEREAS, the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing on October 15, 2007, to address the applications, the recommendations of affected Community Councils, and the DP&Z, to formulate recommendations regarding adoption of the proposed small-scale amendments, and to address transmittal of standard amendment applications to the DCA and other State and regional agencies for review and comment; and

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WHEREAS, at the conclusion of the foregoing public hearing the LPA adopted its recommendations to the Board regarding adoption of certain small-scale amendment Applications, and transmittal of the standard April 2007 Cycle amendment Applications, to DCA, recommendations regarding State agency review of the transmitted applications, and recommendations regarding subsequent final action by the Board as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, F.A.C., with the understanding that the LPA will further evaluate the transmitted applications which are reviewed by the DCA and any others not reviewed by the DCA but requested by the Board to be further reviewed by the LPA, and may issue revised recommendations on said applications following one or more duly noticed public hearings in 2008; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board desires to further evaluate, without prejudice, those applications filed for review and action during the April 2007 CDMP amendment cycle that are hereby transmitted,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

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Section 1. The Board, having considered the following application(s) requesting amendment to the CDMP, hereby directs the County Manager to act in accordance with the transmittal instructions set forth in this section for such application(s). For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Commission directs the Manager to transmit the application to the Florida DCA and to all other agencies required pursuant to Chapter 163.3184, F.S., along with all other materials required by Chapter 9J-11, F.A.C.

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action on Small-Scale Amendment and/or Transmittal Instruction
1	Geovanis Medina/Gloria M. Velazquez, Esq. 100 feet east of NW 27 Avenue between NW 87 Terrace and theoretical NW 89 Street (1.57 gross acres) From: Business and Office and Low-Medium Density Residential (6-13 DU/Ac) To: Business and Office	DENIED (as Small-Scale Amendment) and TRANSMIT as Standard Application
2	Blue Lagoon Development, LLC/Felix M. Lasarte, Esq. Southeast corner of NW 57 Avenue and Blue Lagoon Drive (8.6 gross acres) 1. Redesignate the subject property From: Office/Residential To: Business and Office 2. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element.	ADOPTED (as Small- Scale Amendment) with Acceptance of Proffered Covenant
3	Anthony Balzebre Trust/Jeffrey Bercow, Esq. & Michael Larkin, Esq. Northwest corner of NW 107 Avenue and NW 12 Street (63.95 gross acres) 1. Redesignate the subject property From: Industrial and Office & Business and Office To: Business and Office 2. Designate the subject property as a Regional Activity Center (Chapter 380.06, F.S.). 3. Revise the subsection entitled "Chapter 380 Regional Activity Centers" in the Land Use Element. 4. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element.	TRANSMIT with Recommendation to ADOPT with modification to reflect roadway improvements and the transit center as described in the letters of November 9 and 13, 2007, an inclusion of Regional Activity Center designation, Acceptance of Proffered Covenant and a designation of a Metropolitan Urban Center on a portion of the subject property

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action on Small-Scale Amendment and/or Transmittal Instruction
4	<p>Jose M. Alvarez, President, ALVA Property Management, LLC Northeast corner of NW 132 Avenue and NW 13 Street (2.54 gross acres)</p> <ol style="list-style-type: none"> 1. Redesignate the subject property From: Open Land To: Restricted Industrial and Office 2. Expand the UDB to include the subject property. 	DENY, DO NOT TRANSMIT
5	<p>LOWE'S HOME CENTERS, INC./Juan J. Mayol, Jr., Esq. and Richard A. Perez, Esq. of Holland & Knight, LLP Northwest corner of Theoretical SW 138 Ave and SW 8 Street (51.7 gross acres)</p> <ol style="list-style-type: none"> 1. Redesignate the subject property Parcel A (21.6 gross acres) From: Open Land To: Business and Office Parcel B (30.1 gross acres) From: Open Land To: Institutions, Utilities and Communications 2. Remove subject site from "Open Land Subareas" map (Figure 4). 3. Expand the UDB to include the subject property. 4. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element. 	TRANSMIT with Recommendation to ADOPT with Acceptance of Proffered Covenant
6	<p>8440 Property, Inc./Ben Fernandez, Esq. & Graham Penn, Esq. 300 Feet west of SW 84 Avenue and south of SW 38 Street (1.59 gross acres)</p> <ol style="list-style-type: none"> 1. Redesignate the subject property From: Low Density Residential (2.5 to 6.0 DU/Ac.) To: Medium-High Density Residential (25 to 60 DU/Ac) 2. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element. 	TRANSMIT with Recommendation to ADOPT with Acceptance of Proffered Covenant
8	<p>David Brown, Steven Brown, and Victor Brown/ Chad Williard, Esq. Southside of SW 88 Street west of SW 167 Avenue (42.0 gross acres)</p> <ol style="list-style-type: none"> 1. Redesignate the subject property From: Agriculture To: Business and Office 2. Expand the UDB to include subject property. 3. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element. 	TRANSMIT with Recommendation to ADOPT with Acceptance of two Proffered Covenants, which should also be amended to require the applicant to fund and construct a traffic light at S.W. 172 Street and Kendall Drive

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMPLand Use Plan Map, Policies or Text	Recommended Action on Small-Scale Amendment and/or Transmittal Instruction
9	Ferro Investment Group II, LLC/Miguel Diaz De la Portilla, Esq., Crystal Conner-Lane, Esq. Area between SW 104 and SW 112 Streets and between SW 167 Avenue and theoretical SW 164 Avenue (94.84 gross acres) 1. Requested Amendment to the Land Use Plan map Part A (84.84 acres) From: Agriculture To: Low Density Residential (2.5 to 6.0 DU/Ac.) Part B (10.0 acres) From: Agriculture To: Business and Office 2. Expand the UDB to include the subject property. 3. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element.	TRANSMIT with No Recommendation
10	West Perrine Land Trust, Inc. a Florida Corp. & Wilbur B. Bell, Trustee/Gilberto Pastoriza, Esq. Southwest corner of Homestead Avenue and SW 184 Street (Eureka Drive) (3.2 gross acres) From: Industrial and Office To: Medium Density Residential (13 to 60 DU/Ac) with (DI-1) One Density Increase with Urban Design (25 to 60 dwelling units per gross acres).	ADOPTED (as Small-Scale Amendment) with Acceptance of Proffered Covenant
11	BDG Florida City, LLC / Jeff Bercow, Esq., Melissa Tapanes Llahues, Esq. Immediately west of SW 192 Avenue between SW 340 and SW 344 Streets (34250 SW 192 Avenue) (5.04 gross acres) 1. Requested Amendment to the Land Use Plan map From: Estate Density Residential (1 to 2.5 Du/Ac.) To: Low-Medium Density Residential (6 to 13 Du/Ac.) 2. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element.	ADOPTED with CHANGE to Low Density Residential with One Density Increase (DI-1) with Urban Design (as Small-Scale Amendment) and with Acceptance of Proffered Covenant
12	Miami-Dade County Department of Planning and Zoning / Subrata Basu, Interim Director LAND USE ELEMENT <u>Part A</u> 1. Revise the text in the Land Use Element to accurately describe the Parks and Recreation, Environmental Protected Parks, and Environmental Protection land use designations. <u>Part B</u> 2. Update Figure 5 (Environmental Protection Subareas) in the map series of the Land Use Element to remove the national parks and a portion of Open Land Subarea 1 from Environmental Protection Subarea A. 3. Add a new map titled "Environmentally Protected Parks" as Figure 4 in the map series of the Land Use Element to depict the national parks.	TRANSMIT with Recommendation to ADOPT with CHANGE

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action on Small-Scale Amendment and/or Transmittal Instruction
13	<p>Miami-Dade County Department of Planning and Zoning / Subrata Basu, Interim Director</p> <p>CAPITAL IMPROVEMENTS ELEMENT</p> <p>In the CIE Schedules of Improvements, Tables of Proposed Projects, modify the following currently adopted tables as indicated in the attached tables: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.</p> <p>Revise any other summary table or related text in the Capital Improvements Element as necessary to be consistent with the additions, deletions, or changes made by Part A of this application.</p> <p>Revise the Introduction and Implementation Schedules of Improvements to adopt by reference the TIP and to provide definitions of future growth and existing deficiencies</p>	<p>TRANSMIT with Recommendation to ADOPT</p>

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action on Small-Scale Amendment and/or Transmittal Instruction
14	<p>Aviation Department / Jose Abreu, P.E., Director</p> <p>LAND USE ELEMENT, AVIATION SUBELEMENT OF THE TRANSPORTATION ELEMENT, AND THE 2015-2025 LAND USE PLAN MAP</p> <p><u>Part 1: Opa-Locka West Airport (Map Changes):</u> Northwest area of Miami-Dade County at the southeast corner of intersection of Okeechobee Road and the Miami-Dade/Broward County line. Amend the Land Use Plan map to change the land use designation for Opa-Locka West Airport: (420 gross acres) From: Terminals To: Open Land</p> <p><u>Part 2 All County Airports (Map and Text Changes in Aviation Subelement)</u></p> <p><u>Section A</u></p> <ol style="list-style-type: none"> 1. Update the Aviation Facilities maps (Figures 1 and 2) and the airport schematic maps (Figures 3-8) of the Aviation Subelement map series. 2. Add for new Airport Land Use Master Plan maps depicting land uses at County airports to the map series of the Aviation Subelement related to: <ul style="list-style-type: none"> i: Miami International Airport ii: Opa-Locka Executive Airport iii: Kendall-Tamiami Executive Airport iv: Homestead General Aviation Airport <p><u>Section B</u> Amend Text, Goals, Objectives, and Policies, in the Aviation Subelement regarding the aforesaid aviation facilities.</p> <p><u>Part 3</u> Text revisions to the Land Use Element, section title "Transportation" of the CDMP in order for the Plan to be internally consistent.</p>	TRANSMIT with Recommendation to ADOPT
15	<p>Miami-Dade County Department of Planning and Zoning / Subrata Basu, Interim Director</p> <p>LAND USE, COASTAL MANAGEMENT, AND CAPITAL IMPROVEMENTS ELEMENTS</p> <p>A. Revise and replace the text in the Land Use and Coastal Management Elements to include the new definition of coastal high-hazard areas and other required modifications, pursuant 163.3178, F.S.</p> <p>B. Revise and replace Figure 10 (Floodplains) and Figure 11 (Areas Subject to Coastal Flooding) in the map series of the Land Use Element. The revisions shall include modifying the legend of Figure 10 and depicting the coastal-high hazard areas, as defined by Section 163.3178, F.S., on Figure 11.</p> <p>C. Revise the legend on Figure 1 (Hurricane Evacuation Zone map) in the Coastal Management Element.</p>	TRANSMIT with Recommendation to ADOPT

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action on Small-Scale Amendment and/or Transmittal Instruction
16	<p>Miami-Dade County Department of Planning and Zoning / Subrata Basu, Interim Director</p> <p>WATER, SEWER AND SOLID WASTE; CONSERVATION, AQUIFER RECHARGE AND DRAINAGE; CAPITAL IMPROVEMENTS; INTERGOVERNMENTAL COORDINATION ELEMENTS</p> <p><u>Part A</u> Modifications and additions to the text, figures, and tables to the Water and Sewer Subelement of the Water, Sewer and Solid Waste Element, including the addition of a 20-year Water Supply Facilities Workplan;</p> <p><u>Part B</u> Modifications to Conservation, Aquifer Recharge and Drainage Element;</p> <p><u>Part C</u> Modifications to the Intergovernmental Coordination Element; and</p> <p><u>Part D</u> Modifications to the Capital Improvements Element.</p>	TRANSMIT with Recommendation to ADOPT
17	<p>Miami-Dade County Department of Planning and Zoning / Subrata Basu, Interim Director</p> <p>LAND USE AND HOUSING ELEMENTS</p> <p>A. Revise the text in the Housing Element to include a provision that calls for adequate sites for affordable workforce housing to be identified, pursuant to Section 163.3177(6)(f), F.S.</p> <p>B. Revise the text in the Housing Element to require the adoption of a plan for affordable workforce housing by July 1, 2008, as per Section 163.3177, F.S.</p> <p>C. Revise the Housing Element to include a definition for affordable housing and affordable workforce housing. This shall include a definition of the income limits within each category.</p> <p>D. Revise the Land Use and Housing Elements to include "affordable workforce housing" and "extremely low-income households" as part of the income limit categories listed in the affordable housing policies. The addition of "extremely low-income households" is intended to create consistency with Miami-Dade County's housing programs.</p>	TRANSMIT with Recommendation to ADOPT

Section 2. The Board hereby requests DCA to review all transmitted applications pursuant to Chapter 163.3184(6), F.S.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt any and all pending applications and proposals following receipt of notice or comments by DCA, and following one or more final

public hearings by this Board, all as authorized by Chapter 163.3184, F.S., and Section 2-116.1, Code of Miami-Dade County, Florida.

Section 4. The Board declares its intention to conduct and advertise one or more public hearings in 2008 to address the April 2007 Cycle applications to amend the Comprehensive Development Master Plan.

The foregoing resolution was offered by Commissioner Martinez, who moved its adoption. The motion was seconded by Commissioner Diaz, and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	nay	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	nay
Dorrian D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	nay	Rebeca Sosa	nay
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of November, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



KAY SULLIVAN

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency *[Signature]*

Joni Armstrong Coffey

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Memorandum

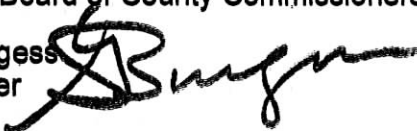
MIAMI-DADE
COUNTY

Date: November 27, 2007

Special Item No. 2

To: Honorable Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager



Subject: Resolution and Public Hearing for the Transmittal to the Florida Department of
Community Affairs of April 2007 Applications to Amend the Comprehensive Development
Master Plan

R#1266-07

Recommendation

It is recommended that the attached resolution be adopted after the public hearing on the April 2007 Cycle applications to amend the Comprehensive Development Master Plan (CDMP) scheduled to begin at 9:30 AM on Tuesday, November 27, 2007. This resolution provides for the transmittal of certain April 2007 Cycle Applications to amend the CDMP to the Florida Department of Community Affairs (DCA) and other agencies for state and regional review as required pursuant to Section 163.3184, Florida Statutes, (F.S.).

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The April 2007 Cycle Applications have a countywide impact.

Fiscal Impact/Funding Source

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include for any proposed land use change a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure to the area as well as the costs of operating annually. Below is a brief summary of the fiscal impacts of the proposed April 2007 Cycle applications to amend the CDMP. Details of the fiscal impacts of each application can be found in Appendix D at the end of each review of a Land Use Plan (LUP) map application in the document titled "Initial Recommendations April 2007 Applications To Amend The Comprehensive Development Master Plan, Volumes 1 and 2," dated August 25, 2007." This report is included in the agenda materials for the November 27, 2007 public hearing addressing the April 2007 Cycle applications.

Based on the information provided by County agencies, the fiscal impacts of the April 2007 Cycle applications land use changes vary based on the type of request and location. Proposals involving non-residential development impact fewer infrastructure and public services than proposals for residential development. For example, the Miami-Dade County Public Schools Board limits its impact reviews to the proposals for residential development or those that may allow residential development. For public schools, Application Nos. 3 and 9 have the most significant fiscal impact. Projected annual operating costs for Application No. 3 is \$5,769,669 and for Application No. 9 is \$2,089,131; potential capital costs for Application No. 3 are \$7,846,227 and for Application No. 9 are \$8,024,688.

The Miami-Dade Water and Sewer Department (WASD) estimated the fiscal impacts for providing water and sewer service. WASD has determined for each application site the impact and connection fees as well as annual operations and maintenance costs. The application that generates the most fiscal impacts for water and sewer service is Application No. 3, which will result in water impact fee of \$417,633, sewer impact fee of \$1,682,549, and annual operating and maintenance costs of \$278,826. For Application No. 11, however, the estimated construction costs for water and sewer infrastructure in the public right-of-way, including a 12-inch water main, 12-inch sanitary sewer force main, and public pump station is \$3,164,979.

Track Record/Monitor

CDMP amendments do not involve contracts; therefore, a Track Record/Monitor is not applicable.

Background

The attached resolution provides for transmittal to DCA for review and issuance of its Objections, Recommendations and Comments (ORC) report of the proposed standard amendments to the CDMP (Application Nos. 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, and 17), and any of the remaining 4 proposed small-scale amendments (Application Nos. 1, 2, 10, and 11) on which final action is not taken by Ordinance (Special Item No. 2) and which the Board of County Commissioners (Board) wishes to further consider after transmittal to DCA.

A total of 17 applications under the County's jurisdiction were filed to amend the CDMP during the April 2007 CDMP cycle. Application No. 7 was lawfully withdrawn by letter dated October 10, 2007. Application Nos. 1 through 11, and Application No. 14 (Part I) request amendments to the LUP map of the CDMP. Application Nos. 12, 13, 14 (Parts II, and III), 15, 16, and 17, request text amendments to the CDMP.

Four small-scale amendments to the LUP map are pending final action (Special Item No. 2). Any small-scale amendments not adopted but not denied by Ordinance (Special Item No. 2) may be transmitted to DCA for a standard review by inclusion in this resolution. Therefore, the actions required of the Board today regarding Special Item No. 2, are, after public hearing, to consider transmittal to DCA and other review agencies of any of the requested "small-scale" amendments, that the Board elects to process through the regular amendment procedure, and all of the standard amendments.

It is anticipated that the DCA will return an ORC report in February 2008 addressing the transmitted applications. Preceding the final hearing by the Board, the Department of Planning and Zoning (DP&Z) will respond to any DCA objections and may issue revised recommendations, and the Local Planning Agency (i.e., Planning Advisory Board) will conduct an additional hearing and may also issue revised recommendations. The Board is scheduled to conduct a final public hearing on the transmitted amendments in April 2008.

Recommendations of the Department of Planning and Zoning

The DP&Z published its initial recommendations for Application Nos. 1 through 17 in its "Initial Recommendations" report dated August 25, 2007. The recommendations for the proposed amendments are as follows:

Small Scale Amendments (Total = 5):

- Adopt Application No. 10: with acceptance of proffered covenant;
 - Adopt with change Application No. 11: The recommended change for Application No. 11 is to change the requested redesignation of the application site to Low Density Residential with one density increase (DI-1) and acceptance of proffered covenant; and
 - Deny Application Nos. 1, 2, and 7.
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Standard Amendments (Total = 12):

- Adopt and transmit to DCA, pursuant to Chapter 163.3181, F. S. – Application Nos. 13, 15, 16, and 17;
- Adopt with change and transmit Application Nos. 12, and 14 (Parts I, II, and III);
- Deny and do not transmit Application Nos. 4, 5, 6, 8, and 9; and
- Deny and transmit Application No. 3.

Local Planning Agency Recommendations

The recommendations Planning Advisory Board (PAB) on the April 2007 Cycle applications to amend the CDMP, acting as Miami-Dade County's Local Planning Agency (LPA), are contained in their resolution and in the summary matrix included in the agenda kit materials for this public hearing.

Resolution Format

As provided in the County Code, transmittal instructions are to be issued by Resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instruction will be entered for each individual amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of an application; however, denial of transmittal in effect denies any further consideration of an application during this CDMP amendment cycle. To transmit any application, County Code requires the affirmative vote of a majority (7) of the Commissioners in office. Where eligible small-scale amendments were previously adopted, not adopted, or denied under Special Item No. 2, that action will be noted in the Resolution in lieu of a transmittal instruction.

Section 2 of the Resolution requests DCA to review and return its ORC report on all the transmitted applications before the Board conducts its next public hearing to take final action on the applications.

After the Board adopts its entries to Section 1 of the Resolution, it must take a final vote to adopt the Resolution in its entirety, incorporating the foregoing entries.



Assistant County Manager

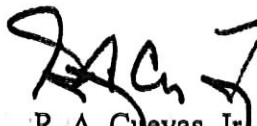


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: November 27, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 2

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ Housekeeping item (no policy decision required)
- ☐ No committee review

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